

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Susan D. Wigenton, U.S.D.J.

v. : Crim. No. 09-265-SDW

ANTHONY PETERSON, : CONTINUANCE ORDER

JAMES HOLMES, and

ABDULLAH MUHAMMAD :

This matter having been opened to the Court at the request of defendants Anthony Peterson (Patrick McMahon, Esq., appearing), James Holmes (Joseph R. Donahue, Esq., appearing) and Abdullah Muhammad (Gary L. Cutler, Esq., appearing), and on sufficient notice to Ralph J. Marra, Jr., Acting, United States Attorney for the District of New Jersey (Dennis C. Carletta and Lakshmi Srinivasan Herman, Assistant U.S. Attorneys, appearing), for an order granting a continuance of the proceedings in the above-captioned matter for one hundred and thirty three days, and the defendants being aware that they have the right to have the matter tried within seventy days of the filing date of the Indictment, pursuant to Title 18 of the United States Code, Section 3161(c), and the defendants having waived such right, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. Plea negotiations are in progress. The successful completion of such negotiations may render trial of this matter unnecessary.

2. The parties have agreed to the aforementioned continuance pursuant to the telephone conversation with the Court on August 20, 2009.

3. The Government's report regarding the DNA analysis will not be available until the week of September 7, 2009. The defendants need an opportunity to obtain experts to analyze DNA evidence.

4. Pursuant to Title 18 of the United States Code, Section 3161(h)(7), the ends of justice are served by granting the continuance outweigh the best interests of the public and the defendants in a speedy trial.

WHEREFORE, it is on this 9th day of Sept 2009,

ORDERED that the proceedings in the above-captioned matter are continued from September 14, 2009, through January 25, 2010;

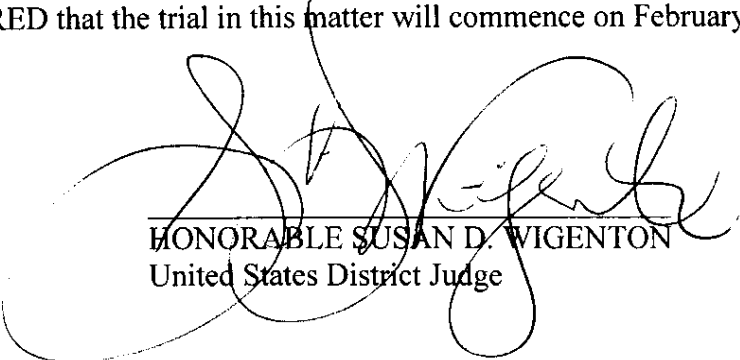
IT IS FURTHER ORDERED that the period between September 14, 2009 through January 25, 2010, shall be excludable in computing time under the Speedy Trial Act of 1974;

IT IS FURTHER ORDERED that if the defendants intend to file motions, their motions shall be filed no later than January 25, 2010;

IT IS FURTHER ORDERED that any response by the Government to defendants' motions shall be filed no later than February 16, 2010;

IT IS FURTHER ORDERED that oral argument as to any such motions shall be conducted on February 22, 2010; and

IT IS FURTHER ORDERED that the trial in this matter will commence on February 23, 2010.



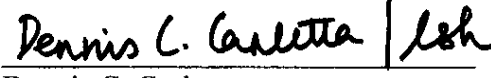
HONORABLE SUSAN D. WIGENTON
United States District Judge

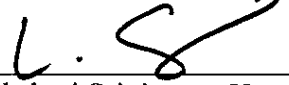
Requested and Agreed to by:

Patrick McMahon, Esq.
Attorney for Defendant Anthony Peterson

Joseph R. Donahue, Esq.
Attorney for Defendant James Holmes

Gary L. Cutler, Esq.
Counsel for Defendant Abdullah Muhammad


Dennis C. Carletta
Assistant U.S. Attorney


Lakshmi Srinivasan Herman
Assistant U.S. Attorney

IT IS FURTHER ORDERED that the trial in this matter will commence on February 23, 2010.

HONORABLE SUSAN D. WIGENTON
United States District Judge

Requested and Agreed to by:

Patrick McMahon, Esq.
Attorney for Defendant Anthony Peterson

Joseph R. Donahue, Esq.
Attorney for Defendant James Holmes

Gary L. Cutler, Esq.
Counsel for Defendant Abdullah Muhammad

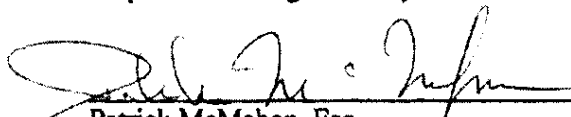
Dennis C. Carletta / lsh
Dennis C. Carletta
Assistant U.S. Attorney

L. S.
Lakshmi Srinivasan Herman
Assistant U.S. Attorney

IT IS FURTHER ORDERED that the trial in this matter will commence on February 23, 2010.

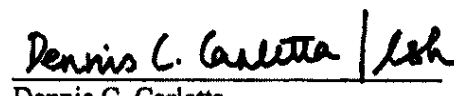
HONORABLE SUSAN D. WIGENTON
United States District Judge


Requested and Agreed to by:


Patrick McMahon, Esq.
Attorney for Defendant Anthony Peterson

Joseph R. Donahue, Esq.
Attorney for Defendant James Holmes

Gary L. Cutler, Esq.
Counsel for Defendant Abdullah Muhammad


Dennis C. Carletta
Assistant U.S. Attorney


Lakshmi Srinivasan Herman
Assistant U.S. Attorney

IT IS FURTHER ORDERED that the trial in this matter will commence on February 23,
2010.

HONORABLE SUSAN D. WIGENTON
United States District Judge

Requested and Agreed to by:

Patrick McMahon, Esq.
Attorney for Defendant Anthony Peterson

Joseph R. Donahue, Esq.
Attorney for Defendant James Holmes

Gary L. Cutler, Esq.
Counsel for Defendant Abdullah Muhammad

Dennis C. Carletta / lsh
Dennis C. Carletta
Assistant U.S. Attorney

L. S.
Lakshmi Srinivasan Herman
Assistant U.S. Attorney